



Attorney's Docket No.: 00414-046001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin F. Berry et al.
Serial No. : 09/447,023
Filed : November 22, 1999
Title : CRANBERRY PROCESSES AND PRODUCTS

Art Unit : 1761
Examiner : Helen Pratt

Commissioner for Patents
Washington, D.C. 20231

DO NOT ENTER PAF

OK TO ENTER 10-21-01
OK AS ENTERED

RESPONSE

The following is responsive to the Examiner's action mailed April 12, 2001. The independent claims are claims 70 and 97. Prior to this response, claims 70, 85-106 were rejected as obvious in view of Confectionery Production (abstract CP) and of Ashurst et al. both of which were cited in the prior action, and a newly cited reference JP 10042824. The JP '824 reference was published February 17, 1998, which is less than a year prior to the filing date of the parent of the present application, U.S. Serial No. 09/188,436, filed November 9, 1998.

Enclosed herewith is a Declaration Under 37 C.F.R. § 1.131 establishing possession of the invention in the United States prior to February 17, 1998, the publication date of the newly cited JP '824. As a result, applicants submit that JP '824 should be removed as a reference. As discussed in Applicants' prior response, Confectionery Products teaches away from the invention. Ashurst does not relate to cranberry food products as described in the present claims.

Applicants submit that the claims are now in condition for allowance.

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 9, 2001

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Applicant : Martin F. Berry et al.
Serial No. : 09/447,023
Filed : November 22, 1999
Page : 2

Attorney's Docket No.: 00414-046001

Enclosed is a \$920 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 10/9/01


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